

**DATES:** With this six-month extension, the new deadline for the final rule will be October 24, 1985. A new comment period will commence with the publication of this notice and will close on July 19, 1985.

**ADDRESSES:** The complete file for this notice is available for inspection, by appointment, during normal business hours at the Regional Office, U.S. Fish and Wildlife Service, 500 Gold Avenue, SW., Room 4000, Albuquerque, New Mexico 87103.

**FOR FURTHER INFORMATION CONTACT:** Peggy Olwell, Endangered Species Botanist, Region 2, Office of Endangered Species, 500 Gold Avenue, SW., Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Mammillaria thornberi* (Thornber's fishhook cactus), a member of the cactus family, was proposed for listing as a threatened species in the April 24, 1984, **Federal Register** (49 FR 17551). This species is a narrow endemic and is known only from Pima and Pinal Counties, Arizona. Factors affecting the species, as cited in the proposed rule are collection, habitat destruction from urban development, a proposed Central Arizona Project aqueduct, grazing, and ground water depletion.

In the spring of 1983, a Service contractor conducted a survey of various areas proposed for construction of portions of the Central Arizona Project and a proposed mitigation area (Reichenbacher, 1984). This study, and other studies conducted in 1984 (Steve Boyd, Tierra Madre Consultants, Riverside, California, pers. comm., 1984), expanded the known occurrence of thornber's fishhook cactus and greatly increased known population levels. In light of this information, there is now substantial disagreement among those most familiar with the species' status as to whether it qualifies for listing under the Endangered Species Act and, therefore, more time is needed to analyze the available data regarding potential threats to the species. Therefore, the Service under section 4(b)(6)(B)(i) extends for six months the one-year deadline on the Thornber's fishhook cactus. Future actions on the proposed listing of this species depend on the results of this analysis. After a thorough analysis of the data, the Service will decide either to continue with the final listing of the species or to withdraw the proposal for *Mammillaria thornberi* as provided under section 4(b)(6)(B)(i) of the Endangered Species Act of 1973, as amended.

**Literature Cited**

Reichenbacher, F.W. 1984. Rare plants of the Central Arizona Project Tucson Aqueduct Phase B. U.S. Fish and Wildlife Service, Endangered Species Office, Albuquerque, New Mexico. 61 pp.

**Author**

The primary author of this notice is Heather A. Stout, Endangered Species Botanist, Region 2 (See **ADDRESSES** above) (505/766-3972 or FTS 474-3972).

**Authority**

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411)

**List of Subjects in 50 CFR Part 17**

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: June 3, 1985.

J. Craig Potter,

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 642**

[Document No. 50587-5087]

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** NOAA issues a proposed rule to implement conservation and management measures as prescribed in the proposed Amendment 1 (Amendment) to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP). This rule provides for measures designed (1) to maintain more effectively the landings and productivity of each user group to the maximum extent possible; (2) to restore overfished stocks; and (3) to prevent overfishing of king and Spanish mackerel, and cobia. The intended effect is to rebuild and maintain all stocks at a maximum sustainable yield (MSY) level.

**DATES:** Written comments on the proposed rule must be received on or before July 20, 1985.

**ADDRESSES:** Comments on the proposed rule, the Amendment, or supporting documents should be sent to Mr. Jack Brawner, Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida, 33702. Mark the outside of the envelope "Comments on Gulf and South Atlantic Mackerel Plan—Amendment 1." Copies of the Amendment, the supplemental environmental impact statement and the supplemental regulatory impact review/initial regulatory flexibility analysis are available from Donald W. Geagan, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, Florida, 33702.

**FOR FURTHER INFORMATION CONTACT:** Donald W. Geagan, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) approved the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic (FMP) on April 1, 1982, and the Secretary of Commerce (Secretary) implemented final regulations on February 4, 1983 (48 FR 5272), under the authority of the Magnuson Fishery Conservation and Management Act, as amended (Magnuson Act). The proposed rule implements the amendment to the FMP which was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils).

The FMP manages the coastal migratory pelagic fishery throughout the fishery conservation zone (FCZ) off the South Atlantic coastal states from the Virginia-North Carolina border south and through the Gulf of Mexico to the Texas-Mexico border. The proposed rule applies only to this area. The management unit for the FMP consists of Spanish mackerel, king mackerel, and cobia. Dolphin, bluefish (Gulf of Mexico only), little tunny and cero mackerel are minor species in the fishery, and data collection requirements of the FMP apply only to these seven species.

**Background**

Recent scientific data and analyses indicate that the king mackerel stock consists of, at least, two migratory groups which, for management purposes, should be treated as separate stocks, i.e., an Atlantic migratory group and a Gulf migratory group. Tagging data indicate that in U.S. waters the Gulf migratory group occupies a range from the Texas-Mexico border to the Florida

Keys during the period from April to November and from the Texas-Mexico boundary to the Volusia-Flagler County, Florida boundary from November to April. Conversely, the Atlantic migratory group occupies a range from North Carolina through the Florida Keys during the period April to November and from North Carolina to the Volusia-Flagler boundary from November to April (see Figure 2). The Gulf migratory group is currently being overharvested, whereas the Atlantic migratory group is currently underharvested. The best estimate of MSY for the king mackerel stock is 26.2 million pounds.

This amendment provides for the fishery a flexible management system which can rapidly adapt to changes in resource abundance, changes in fishing patterns among user groups or by area, and new scientific information. This management system provides for a scientific stock assessment group which will reassess the condition of each stock, stock identity, stock distribution, and MSY, and prepare a range of acceptable biological catch (ABC) for each stock or migratory group from which the Councils will recommend adjustments to the total allowable catch (TAC). The Councils will review the stock assessment information and management alternatives and, after obtaining comment from their advisory panels (APs) and the public, may recommend management measures to the NMFS Director, Southeast Region (Regional Director). If the Regional Director determines that the recommendations are consistent with the national standards, the FMP's goals and objectives, and applicable law, the Secretary of Commerce (Secretary) may implement them by notice in the **Federal Register**.

#### Optimum Yield (OY)

The Councils established MSY as the long-term goal of OY for the mackerel fisheries. The amount of OY which may be harvested annually for each species, specified as TAC, may vary due to fluctuating recruitment; fluctuating abundance by area or unit of stock; intensity of fishing effort by area or unit of stock; social, economic, or ecological factors; and improving estimates of MSY. The TAC level selected for the Gulf migratory group of king mackerel would allow recovery of the group to a MSY level within approximately three years.

#### Allocation by User Group

Allocations by user group are specified for the Gulf migratory group of king mackerel and for the Atlantic migratory group of king mackerel for

recreational fishermen and for commercial fishermen.

Initially, 68 percent of the TAC for the Gulf migratory group of king mackerel is allocated to recreational fishermen and 32 percent to commercial fishermen. With TAC specified as 14.225 million pounds, the allocations are 9.673 million pounds for recreational fishermen and 4.552 million pounds for commercial fishermen. The commercial allocation is further separated into eastern and western quotas to provide for more equitable access to the resource by all users.

Initially, 62.9 percent of the TAC for the Atlantic migratory group of king mackerel is allocated to recreational fishermen and 37.1 percent to commercial fishermen. With TAC specified as 11.812 million pounds, the allocations are 7.430 million pounds for recreational fishermen and 4.382 million pounds for commercial fishermen.

The percentage ratio for future allocations between recreational and commercial fishermen fishing each migratory group will be based on the ratio of the average catch of each user group over the most number of years beginning in 1979 for which concurrent recreational and commercial catch data are available, and, therefore, may vary annually. Following the computation of the allocation ratio, two percent (2%) will be transferred from recreational to commercial allocation for the Gulf migratory group to provide for sale by recreational fishermen provided the transfer does not alter the bag limit.

The starting dates for the fishing years specified for allocations of the Gulf and Atlantic migratory groups of king mackerel are adjusted to provide for equal access for all users.

#### Commercial Quotas

The allocations of TAC for commercial fishermen harvesting king mackerel are specified as harvest quotas. The quotas serve to prevent harvest from exceeding TAC. To provide for equitable access, the quota for the Gulf migratory group is specified as sub-quotas for eastern and western allocation zones (see Figure 2). The quotas may vary annually as a function of TAC and the FMP procedures for setting allocations. When the quotas for either of these Gulf Migratory groups has been reached, fishing under that quota will be prohibited and sale of king mackerel from that migratory group and/or allocation zone will be prohibited. Quotas are reached when the poundage of fish landed and sold equals the specified quota.

As TAC and the quota for the Gulf migratory group change, the quota will

be allocated between commercial user groups as follows: Six percent (6%) not to exceed 400,000 pounds will be reserved for purse seines. Of the remainder, 69 percent will be allocated to the eastern allocation zone and 31 percent to the western allocation zone.

Purse seine harvest of king mackerel is counted in the commercial allocations and is limited by quotas, which are reached when the reported landing by purse seines equals the quotas.

#### Bag Limits

The allocations of TAC for recreational fishermen harvesting king mackerel are specified as bag limits on a per-person, pre-trip basis, and serve to prevent annual harvest from exceeding TAC. The bag limits may vary annually as a function of the TAC. Under the amendment, separate bag limits may be specified for persons fishing from private vessels and from charter vessels.

Bag limits for recreational fishermen harvesting king mackerel from the Gulf migratory group are established at two fish per person per trip, including all persons aboard private vessels. For persons fishing from charter vessels the bag limit is established at three fish per person per trip, excluding the vessel's captain and crew, or two fish per person per trip, including the vessel's captain and crew.

A bag limit is not established for recreational fishermen harvesting the Atlantic migratory group of king mackerel. However, a bag limit may be specified in the future through the assessment procedure if harvest levels reach TAC.

#### Statistical Reporting

The statistical reporting requirements of the FMP which were reserved in promulgation of the final rule (48 FR 5272) are included in this proposed rule. The data collection system proposed in these regulations makes mandatory certain voluntary commercial reporting programs administered by NMFS, whereby data on harvest are collected by port agents both from dealers and through interviews from fishermen and establishes mandatory systems for collection of recreational data when necessary.

Interviews may be conducted under a mandatory system for selected recreational vessel operators catching migratory coastal pelagic fish when more exacting data (such as on method of fishing, catch by species, area fished and expenditures incurred) than presently collected under the NMFS Marine Recreational Fishing Statistics Survey are required. This system will be

developed for implementation when specific data requirements are identified. The Center will begin determining the exact data needed and the best system to gather the data after this rule becomes effective. Sections relating to collection of information will not be effective until after approval by the Office of Management and Budget.

The reporting of statistical information under the current voluntary systems, which included commercial dealers, processors, and vessel owners is inadequate for management of the fishery for the following reasons. First, these voluntary data are not adequate for management on a species approach. Second, the FMP reporting provision calls for collection under mandatory systems, and equity considerations require that mandatory systems apply to all user groups. Stock assessment procedures for the various species require collection of additional data and more precise data than are available through existing systems. Certain species in the fishery are being overfished, and the additional and more precise data are required to assess the degree of overfishing and to formulate measures to restore these stocks.

Additionally, certain user groups are not adequately covered under existing systems. Charter vessels, for example, are poorly sampled.

Effective management of the fishery requires comprehensive and uniform data collection. Stock assessments, maximum sustainable yield calculations and optimum yield determinations must be based on information gathered from state waters as well as the fishery conservation zone (FCZ). None of the States is consistently collecting catch information from recreational anglers or from charter vessels and headboats, although some States have infrequently collected these data in the past. Only the State of Florida is collecting catch information from commercial fishermen and these data do not include all the data elements considered necessary for management by the Councils. All of the States collect some information on total landings from dealers and processors, but these data elements differ from State to State and generally are not complete enough to allow for proper management of each species throughout their range. Without this information the Councils' ability to manage the resource throughout the Gulf would be unacceptably limited.

Information collected under the mandatory system is to be used for management of the fishery, and will be released only in aggregate or summary

form which does not disclose the identity of the submitter. The Regional Director has reviewed the proposed regulations and has determined that this information is necessary for management of the coastal migratory pelagic fishery.

#### Classification

Section 304(a)(1)(C)(ii) of the Magnuson Act, as amended by Pub. L. 97-453, requires the Secretary of Commerce (Secretary) to publish regulations proposed by a Council within 30 days of receipt of the Amendment to the FMP and regulations. At this time the Secretary has not determined that the Amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Councils prepared a draft supplemental environmental impact statement for this Amendment; a notice of availability was published on June 29, 1984 (49 FR 26809).

The Administrator, NOAA, has determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under Executive Order 12291. The Amendment's management measures are designed to maintain the productivity of each user group to the maximum extent possible, by restoring overfished stocks and preventing overfishing of the king and Spanish mackerel and cobia stocks. The major benefits from this Amendment are greater than the associated Federal costs to manage the fishery on a continuing basis. The Council prepared a supplemental regulatory impact review (SRIR) which concludes that this proposed rule will have the following economic effects. Greater benefits will result in terms of overall poundage produced than the other alternatives. The no action alternative would have resulted in a 32 percent decline in long-term abundance, if fishing pressure remained unchanged. The proposed regulations should restore the king mackerel stock to within five to ten percent of MSY in three years. The proposed regulations are expected to reduce commercial landings value by \$101,200 initially or by \$337 per vessel over the average of the last five years. No price increases should develop as a result of the regulations.

Recreational catch levels would be initially reduced by about 22 percent or 2.26 million pounds for private vessels

and 840,000 for charter vessels. The impact on catch reduction is greater for charter vessels, i.e. 34 percent reduction in king mackerel catch and 11 percent of all fish catch. The impact on reduction in number of charter vessel customers cannot be estimated.

Federal and State enforcement costs of the regulatory actions are estimated at \$40,000 if States adopt compatible regulations and at \$64,000 if they do not. A copy of the SRIR may be obtained at the **ADDRESS** above.

This proposed rule is exempt from the procedure of Executive Order 12291 under Section 8(a)(2) of that order. Deadlines imposed under Section 304 of the Magnuson Act, as amended by Public Law 97-453, require the Secretary to publish this proposed rule 30 days after its receipt. The proposed rule is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow procedures of the order.

The Council prepared an initial regulatory flexibility analysis as part of the SRIR which concludes that this proposed rule will have an insignificant effect on commercial fishing entities and potentially a significant impact on charter vessel entities, dependent on customer reaction to the bag limits. These effects are included in the SRIR which is summarized above. A copy of this analysis may be obtained from the Regional Director at the **ADDRESS** listed above.

This rule contains a collection of information requirement subject to the Paperwork Reduction Act (PRA). The voluntary collection of this information has been previously approved by the Office of Management and Budget (OMB control numbers 0648-0013 and 0648-0052). A request to collect this information under a mandatory requirement has been submitted to the Office of Management and Budget for review under section 3504(h) of the PRA. When mandatory reporting by selected recreational fishermen is required, an additional request will be submitted to OMB.

The Councils have determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management programs of the states of North Carolina, South Carolina, Florida, Alabama, Mississippi, and Louisiana. These determinations have been submitted for review by the responsible State agencies under Section 307 of the Coastal Zone Management Act.

**List of Subjects in 50 CFR Part 642**

Fisheries, Fishing, Reporting requirements.

Dated: June 5, 1985.

Carmen J. Blondin,

Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR Part 642 is proposed to be amended as follows:

**PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND THE SOUTH ATLANTIC**

1. The authority citation for Part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In Part 642, the Table of Contents is amended by revising the headings for § 642.5 from "Recordkeeping and reporting requirements [Reserved]" to read "Reporting requirements", and for § 642.6 from "Vessel identification [Reserved]" to "Vessel identification" and by adding under Subpart B three new section designations to read as follows:

**Subpart B—Management Measures**

Sec.

- 642.27 Stock assessment procedures.  
642.28 Bag and possession limits.  
642.20 Area and time separation.

3. Section 642.2 is amended by adding the words "or designee" to the end of the definition for Center Director, by changing the phrase "U.S. harvested fish" to "U.S.-harvested fish" in the definition and throughout Part 642, and adding in alphabetical order the new definition "Acceptable biological catch", "Allocation", "Charter Vessel", "Migratory group", "Species", "Statistical area", "Total allowable catch", "Total length", and "Trip", to read as follows:

**§ 642.2 Definitions.**

*Acceptable biological catch* (ABC) means a range of harvest levels computed from stock assessment parameters that sets forth the levels of harvest which can be taken from a stock or migratory group while maintaining the stock at or near maximum sustainable yield. ABC may vary due to fluctuating recruitment, fluctuating abundance, and intensity of fishing effort.

*Allocation* means that portion or percentage of the total allowable catch of a stock or migratory group of fish which is allocated to a specific user

group for harvest during a fishing year. Harvest levels may be limited to an allocation by specifying harvest quotas or by specifying nonquota restrictions such as bag limits, etc.

*Charter vessel* (includes headboats) means a boat or vessel whose captain or operator is licensed by the U.S. Coast Guard to carry paying passengers and whose passengers fish for a fee.

*Charter vessel crew* means those individuals, including the licensed vessel captain, who receive monetary or other compensation from the vessel owner or from the passengers who are engaged in fishing from the vessel as anglers.

*Migratory group* means a group of fish that may or may not be a separate genetic stock but which for management purposes may be treated as a separate stock. (See Figure 2 and § 642.29 for geographical and seasonal boundaries between migratory groups of king mackerel.)

*Species* refers to the Specific Scientific Name for each fish identified under the definition of *coastal migratory pelagic fish*.

*Statistical area* means one or more of the statistical grids depicted in Figure 3.

*Total allowable catch* (TAC) means the maximum permissible level of annual harvest specified for a stock or migratory group after consideration of the biological, economic, and social factors with such level being specified from within the range of acceptable biological catch.

*Total length* means the distance from the tip of the head to the tip of the tail (caudal fin) while the fish is lying on its side normally extended.

*Trip* means a fishing trip regardless of number of days duration which begins with departure from a dock, berth, beach, seawall or ramp and which terminates with return to a dock, berth, beach, seawall or ramp.

4. Section 642.4 is revised in its entirety to read as follows:

**§ 642.4 Permits and fees.**

(a) *Applicability.* Owners or operators of fishing vessels which fish for Gulf migratory group king mackerel under the commercial quotas are required to obtain an annual vessel permit. Owners or operators of charter vessels and headboats are excluded from eligibility for a vessel permit.

(b) *Application for permits.* An application for a permit must be submitted and signed by the owner or

operator of the vessel. The application must be submitted to the Regional Director or his designee within 60 days prior to July 1 of each year. Owners or operators of newly registered or documented vessels may submit an application at any time during a fishing year provided it is received by the Regional Director within 60 days after registration or documentation. In cases of demonstrated hardship the Regional Director may accept applications at other times. Permit applicants must provide the following information:

- (1) Name, mailing address including zip code, and telephone number of the owner and the operator of the vessel;
- (2) Name of vessel;
- (3) The vessel's official number;
- (4) Home port or principal port of landing, gross tonnage, radio call sign and length of vessel;
- (5) Approximate fish hold capacity of the vessel;

(6) A sworn statement by owner or operator certifying that at least ten percent of his or her earned income was derived from commercial fishing during at least one of the three preceding calendar years (January 1 through December 31), and that the vessel for which the permit is intended will not be operated as a charter vessel in an area in which the Gulf migratory group of king mackerel are occurring; and

(7) Any other information concerning vessel, gear characteristics and fishing are requested by the Regional Director.

(c) *Proof of certification.* The Regional Director or his designee may require the applicant to provide documentation supporting the sworn statement under paragraph (b)(6) before a permit is issued or to substantiate why such a permit should not be revoked under paragraph (i).

(d) *Issuance.* The Regional Director or his designee will issue a permit to the applicant only during May and June of each year. The Regional Director will issue permits to newly registered or documented vessels, or cases of demonstrated hardship at other times, as found at paragraph (b) of this section. Until the permit is received, fishermen must comply with the bag limit under § 642.28.

(e) *Fees.* A fee may be assessed for any permit issued under this section. The cost of the permit, if any, will be posted on the application form and will be limited to the administrative cost of issuing the permit which may not exceed \$10.00.

(f) *Duration.* A permit is valid only for the duration of the year for which it is issued (July 1–June 30) unless revoked or suspended under to 15 CFR Part 894.

(g) *Transfer.* A permit issued under this section is not transferable or assignable, except on sale of the vessel to a new owner. A permit is valid only for the fishing vessel for which it is issued. New owners purchasing a permitted vessel to fish under the Gulf migratory group quota must comply with the provisions of paragraph (b) of this section. The application must be accompanied by an executed (signed) bill of sale. New owners who have purchased a permitted vessel may fish with the preceding owner's permit until a new permit has been issued, but for a period not to exceed 60 days.

(h) *Display.* A permit issued under this section must be carried aboard the fishing vessel, and the vessel must be identified as provided for in § 642.6. The operator of a fishing vessel must present the permit for inspection upon request of any authorized officer.

(i) *Sanctions.* Subpart D of 15 CFR Part 904 governs the imposition of sanctions against a permit issued under this section.

(Approved by the Office of Management and Budget under Control Number 0648-0097)

5. A new § 642.5 is added to read as follows:

#### § 642.5 Reporting requirements.

(a) *Commercial vessel owners and operators.* Any person (1) who owns or operates a fishing vessel that fishes for or lands coastal migratory pelagic fish for sale, trade, or barter, or that fish under a permit required in § 642.4, in the Gulf of Mexico FCZ or South Atlantic FCZ or in adjoining State waters, and (2) who is selected to report must provide upon request the following information regarding any fishing trip to the Center Director or his designee:

- (1) Name or official number of vessel;
- (2) Poundage of catch of any coastal migratory pelagic fish as defined by species;
- (3) Depth fished and information regarding fishing location that is specific enough to enable the Center Director or his designee to ascertain the statistical area fished (see Figure 3);
- (4) Amount and person to whom sold, bartered, or traded;
- (5) Number, size and type of gear; and
- (6) Period (hours or days) of fishing.

(b) *Charter vessel owners and operators.* Any person (1) who owns or operates a charter vessel that fishes for or lands coastal migratory pelagic fish in the Gulf of Mexico FCZ or South Atlantic FCZ or adjoining State waters, and (2) who is selected to report must maintain a daily fishing record on forms provided by the Center Director. These forms must be submitted to the Center

Director weekly. Information to be included in the forms must include:

- (1) Name or official number of vessel;
- (2) Operator's Coast Guard license number;
- (3) Date of trip;
- (4) Number of fishermen on trip;
- (5) Area fished;
- (6) Fishing methods and type of gear;
- (7) Hours fished;
- (8) Species targeted; and
- (9) Number and estimated weight of fish caught by species.

(c) *Dealers and processors.* Any person (1) who receives coastal migratory pelagic fish or parts thereof by way of purchase, barter, trade, or sale from a fishing vessel or person that fishes for, or lands said fish, or parts thereof in the Gulf of Mexico FCZ or South Atlantic FCZ or in adjoining State waters, and (2) who is selected to report, must provide upon request the following information to the Center Director or his designee at monthly intervals, or more frequently if requested, and on forms provided by the Center Director:

- (1) Dealers or processors name and address;
- (2) County where fish were landed;
- (3) Total poundage of each species received during that month, or other requested interval;
- (4) Average monthly price paid for each species; and
- (5) Proportion of total poundage landed by each gear type.

(d) *Recreational fishing vessels.* Any person (1) who owns or operates any recreational fishing vessel that fishes for or lands any coastal migratory pelagic fish managed by the FMP in the Gulf of Mexico FCZ or South Atlantic FCZ or adjoining State waters, and (2) who is selected to report, must provide the following information to the Center Director or his designee:

- (1) Name;
- (2) Boat number or identification;
- (3) Date of trip;
- (4) Number of fishermen on trip;
- (5) Species targeted;
- (6) Number of fish caught by species;
- (7) Area fished;
- (8) Hours fished; and
- (9) Fishing methods and gear.

(e) Any owner or operator of commercial, charter, or recreational vessels, and dealers or processors may be required upon request to make such fish or parts thereof available for inspection by the Center Director or his designee for the collection of additional information or for inspection by any authorized enforcement officer.

6. A new § 642.6 is added to read as follows:

#### § 642.6 Vessel identification.

(a) *Official number.* Each vessel of the United States engaged in commercial fishing for Gulf migratory group king mackerel under a quota and the permit specified in § 642.4 must

(1) Display its official number on the port and starboard sides of the deckhouse or hull and on an appropriate weather deck so as to be clearly visible from enforcement vessels and aircraft. The official number is the documentation number issued by the Coast Guard for documented vessels or the registration number issued by a State or the Coast Guard for undocumented vessels.

(2) The official number must be in block arabic numerals in contrasting color to the background.

(3) The official number must be at least 18 inches in height for fishing vessels over 65 feet in length and at least 10 inches in height for all other vessels.

(4) The official number must be permanently affixed to or painted on the vessel.

(b) *Duties of operator.* The operator of each fishing vessel must

- (1) Keep the official number clearly legible and in good repair, and
- (2) Ensure that no part of the fishing vessel, its rigging, fishing gear, or any other material aboard obstructs the view of the official number from any enforcement vessel or aircraft.

7. Section 642.7 is amended by revising the introductory text and designating it as paragraph (a), redesignating paragraphs (a) through (m) as (1) through (13), revising paragraph (6), removing old paragraph (13), adding new paragraph (13) through (27), and adding a new paragraph (b) to read as follows:

#### § 642.7 Prohibitions.

(a) It is unlawful for any person to do any of the following:

(6) Fish for king and Spanish mackerel using a purse seine, except in compliance with § 642.24(b) and (c);

(13) Have in possession aboard in the FCZ Gulf group king mackerel or consume at sea, land, sell, offer to sell or possess Gulf migratory group king mackerel harvested in the FCZ in excess of the bag limit specified in § 642.28(a);

(14) Fail to transfer or to display a permit as provided for in § 642.4 (g) and (h);

(15) Falsify or fail to report information required to be submitted by § 642.5;

(16) Fail to make fish available for inspection as required by § 642.5(c);

(17) Fail to display the official vessel identification number or comply with other provisions for vessel identification as specified in § 642.6;

(18) Purchase, sell, barter, trade, or accept in trade, king mackerel, harvested in the FCZ from a specific migratory group of specific allocation zone or by purse seine gear, for the remainder of that fishing year specified in § 642.20, after the quota for that migratory group or allocation zone, or purse seine gear as specified in § 642.21(a) or (b) has been reached and closure as specified in § 642.22 has been invoked (Table 2). (This prohibition does not apply to trade in king mackerel harvested, landed and bartered, traded or sold prior to the closure and held in cold storage by dealers and processors);

(19) Fish for, retain, or have in possession in the FCZ aboard a vessel permitted under § 642.4 king mackerel from a migratory group or allocation zoned after the quota for that migratory group or allocation zone specified in § 642.21(a) has been reached and closure has been invoked as specified in § 642.22 (Table 2);

(20) Fish for king or Spanish mackerel in the FCZ with purse seines after the quotas specified in § 642.21(b) and (d) have been reached and closure has been invoked as specified in § 642.22 (Table 2);

(21) Fish for or have in possession on board Spanish mackerel in or from the FCZ or purchase, sell, barter, trade or accept in trade, Spanish mackerel after the total allowable catch specified in § 642.21(c) is reached and closure has been invoked as specified in § 642.22 (Table 2);

(22) Land, consume at sea, sell, or have in possession at sea or time of landing, Gulf migratory group king mackerel harvested from the FCZ in excess of the bag limits specified in § 642.28, except as provided for under § 642.4 and § 642.21;

(23) Fish for king mackerel from the Gulf migratory group in the FCZ as defined in § 642.29 under the quotas specified in § 642.21(a) without a permit as specified in § 642.4;

(24) Interfere with, obstruct, delay, or prevent by any means a lawful investigation or search in the process of enforcing this part;

(25) Interfere with, obstruct, delay, or prevent in any manner the seizure of illegally taken coastal migratory pelagic fish or the final disposition of such coastal migratory pelagic fish through the sale of the coastal migratory pelagic fish;

(26) Land king mackerel from the Gulf migratory group in other than an identifiable form as specified in § 642.28(b); or

(27) Land Spanish mackerel and cobia without the head and fins intact as required by § 642.23(c).

(b) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulation or permit issued under the Magnuson Act.

8. Section 642.20 is revised in its entirety to read as follows:

#### § 642.20 Seasons.

The fishing year for the Gulf migratory group of king mackerel for the commercial quota including purse seines begins at 0001 hours July 1 and ends at 2400 hours on June 30, local time (see Figure 2). The fishing year for the Atlantic migratory group of king mackerel begins at 0001 hours on April 1 and ends at 2400 hours on March 31, local time. The purse seine quotas for King Mackerel begin a 0001 hours on July 1 and end at 2400 hours on June 30, local time. The fishing year for all other coastal migratory pelagic fish begins at 0001 hours on January 1 and ends at 2400 hours on December 31, local time (Table 1).

9. Section 642.21 is revised in its entirety to read as follows:

#### § 642.21 Quotas.

(a) *Commercial quotas for king mackerel.* The initial commercial allocation for the Gulf migratory group of king mackerel is 4.552 million pounds per fishing year. This allocation is divided into quotas as follows: (1) 2.940 million pounds for the eastern allocation zone; (2) 1.328 million pounds for the western allocation zone; and (3) 0.284 million pounds for purse seines (see Figure 2 and paragraph (e) of this section for description of allocation zones). The commercial allocation for the Atlantic migratory group of king mackerel is 4.382 million pounds per fishing year. A fish is counted against the commercial quota or allocation when it is first sold (Table 2).

(b) *Purse seine quota for king mackerel.* The harvest of king mackerel by purse seines from the Gulf migratory group is limited to 284,000 pounds each fishing year. The harvest of king mackerel by purse seines from the Atlantic Ocean is limited to 400,000 pounds each fishing year. King mackerel harvested by purse seines are counted in the commercial allocations and quotas specified in paragraph (a) of this section (Table 2).

(c) *Spanish mackerel.* The TAC of Spanish mackerel is 27 million pounds per fishing year in aggregate for all user groups (Table 2).

(d) *Purse seine quota for Spanish mackerel.* The harvest of Spanish mackerel by purse seines is limited to 300,000 pounds in the Gulf of Mexico and to 300,000 pounds in the Atlantic Ocean per fishing year. Spanish mackerel harvested by purse seines are included in the TAC specified in paragraph (c) of this section (Table 2).

(e) *Geographic boundaries and allocation zones.* The boundary between the Gulf of Mexico and the Atlantic Ocean begins at the intersection of the outer boundary of the FCZ and 83° W. longitude, proceeds north to 24°35' N. latitude (Dry Tortugas), east to Marquesas Key, then through the Florida Keys to the mainland. The boundary between eastern and western zones established for commercial allocation of the Gulf migratory group of king mackerel is a line beginning at the boundary between the states of Alabama and Florida (30°16'53" N. latitude and 87°31'06" W. longitude) and running directly south of its intersection with the outer limit of the FCZ (Figure 2).

10. Section 642.22 is revised in its entirety to read as follows:

#### § 642.22 Closures.

The Secretary, by publication of a notice in the **Federal Register**, will close the king or Spanish mackerel fishery to fishing in the FCZ for a particular gear type, allocation zone, or user group when the quota for that gear type, allocation zone, or user group under § 642.21 has been reached or is projected to be reached (Table 2). The notice of closure for quotas specified under § 642.21 will also provide notice that the purchase, barter, trade, and sale of king or Spanish mackerel taken from the FCZ after the closure for the migratory group of allocation zone affected is prohibited for the remainder of that fishing year. This prohibition does not apply to trade in Spanish or king mackerel harvested, landed, and bartered, traded or sold prior to the closure and held in cold storage by dealers or processors.

11. In § 642.23, paragraphs (a)(1) and (b) are revised and a new paragraph (c) is added to read as follows:

#### § 642.23 Size restrictions.

(a) *Spanish mackerel—(1) Minimum size.* The minimum size for the possession of Spanish mackerel in or taken from the FCZ is 12 inches (fork

length) or 14 inches (total length) for both recreational or commercial fisheries, except for the incidental catch allowance under paragraph (a)(2) of this section.

(b) *Cobia*. The minimum size limit for the possession of cobia in or taken from the FCZ in 33 inches (fork length) or 37 inches (total length).

(c) All Spanish mackerel and cobia must be landed with the head and fins intact.

12. In § 642.24, paragraph (b)(1)(i) is revised and a new paragraph (c) is added to read as follows:

**§ 642.24 Vessel, gear and equipment limitations.**

(i) at least 30 days in advance of the beginning of the fishing year, or

(c) *Purse seine catch allowance and exclusions*. A vessel with a purse seine aboard will not be considered as fishing for king or Spanish mackerel for the purposes of paragraph (b) of this section and will not be considered in violation of a purse seine closure affected in accordance with § 642.22 provided the catch of king mackerel or Spanish mackerel does not exceed one and ten percent, respectively, by weight or number (whichever is less) of the catch of all fish aboard the vessel. Such king and Spanish mackerel must be reported in accordance with paragraph (b)(3) of this section and will be counted in the quotas provided for under § 642.21 and subject to the prohibition on sale provided for under § 642.22.

13. A new § 642.27 is added to read as follows:

**§ 642.27 Stock assessment procedures.**

(a) The Councils will appoint an assessment group (Group) that will assess the condition of each stock of king and Spanish mackerel in the management unit on an annual basis. The Group will present a report of its assessment and recommendations to the Councils.

(b) The Councils will consider the report and recommendations of the Group and hold public hearings at a time and place of the Council's choosing to discuss the Group's report. The Councils will convene a joint Advisory Panel and may convene the Scientific and Statistical Committee to provide advice prior to taking final action. After receiving public input, Councils will make findings on the need for changes.

(c) If changes are needed in MSYs, TACs, bag limits, quotas, or permit, the Councils will advise the Regional Director in writing of their recommendations, accompanied by the Group's report, relevant background material, draft regulations, and public comment. This report will be submitted each year by such date as agreed upon by the Councils.

(d) The Regional Director will review the Councils' recommendations, supporting rationale, draft regulations, public comments and other relevant information. If he concurs with the recommendation, he will forward the draft regulations to the Secretary for approval. In the event the Regional Director rejects the recommendations, existing regulations will remain in effect until the issue is resolved.

(e) If the Regional Director concurs that the Councils' recommendations are consistent with the goals and objectives of the plan, the national standards, and other applicable law, the Secretary may implement the regulations by notice in the **Federal Register** each year prior to the appropriate fishing year or such dates as agreed upon with the Councils. A 15-day period for public comment will be afforded.

(f) Appropriate regulatory changes which may be implemented by the Secretary by notice in the **Federal Register** include

(1) Adjustment of the point estimates of MSY for mackerel within the following ranges:

(i) King mackerel—21.9 million pounds to 35.2 million pounds.

(ii) Spanish mackerel—13.5 million pounds to 49.1 million pounds.

(2) Setting TACs for each stock or group of fish which should be managed separately, as identified in the FMP. The TAC may be increased, not to exceed 30 percent annually when warranted by new information. Any number of increases may be made so long as they do not exceed 30 percent in any one year and provided that no TAC will exceed the best point estimate of MSY by more than ten percent. Downward adjustments of any percentage are allowed in order to protect the stock and prevent overfishing. Reductions or increases in allocations as a result of changes in the TAC are to be equitable as may be practicable utilizing similar percentage changes to all participants in a fishery. (Changes in bag limit cannot always accommodate the exact desired level of change.)

(3) Adjusting user group allocations in response to changes in TACs according to the formulas specified in the FMP.

(4) Implementing or modifying quotas, bag limits, or permits as necessary to limit the catch of each user group to its allocation.

14. A new § 642.28 is added to read as follows:

**§ 642.28 Bag and possession limits.**

(a) *Recreational allocation bag limit*. Persons who fish for king mackerel from the Gulf migratory group (see Figure 2) in the FCZ (except those fishing under the permit and quotas specified in § 642.4, § 642.21 and § 642.24(c)) are limited to the following:

(1) Possessing three (3) king mackerel per person per trip, excluding the vessel crew or possessing two (2) king mackerel per person per trip, including the vessel crew, whichever is the greater, when fishing from a charter vessel.

(2) Possessing two (2) king mackerel per person per trip when fishing from other vessels;

(b) All king mackerel from the Gulf migratory group must be landed in an identifiable form as to number and species (with the understanding that head tail can be removed).

(c) After a closure under § 642.22 is invoked for a migratory group or allocation zone specified in § 642.21 vessels permitted under § 642.4 may not fish for Gulf migratory king mackerel under the bag limit specified under paragraph (a) of this section nor can persons fishing under the bag limit sell their fish.

15. A new § 642.29 is added to read as follows:

**§ 642.29 Area and time separation.**

(a) *Summer separation*. During the summer period (April 1 through October 31) the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending directly west from the Monroe/Collier County, Florida boundary (25°48' N. latitude) to the outer limit of the FCZ (Figure 2).

(b) *Winter separation*. During the winter period (November 1 through March 31) the boundary separating the Gulf and Atlantic migratory groups of king mackerel is a line extending directly east from the Volusia/Flagler County, Florida boundary (29°25' N. latitude) to the outer limit of the FCZ (Figure 2).

TABLE 1.—FISHING SEASONS FOR COASTAL MIGRATORY PELAGIC FISH IN THE FCZ

Type	Begins—	Ends—
King mackerel		
Gulf migratory group.....	0001 hours July 1.	2400 hours June 30
Atlantic migratory group.....	0001 hours Apr. 1.	2400 hours Mar. 30.
Purse seine quotas.....	0001 hours July 1.	2400 hours June 30
Other fish and fishing		
All Other Fishing.....	0001 hours Jan. 1	2400 hours Dec. 30.

TABLE 2.—KING AND SPANISH MACKEREL QUOTAS AND TOTAL ALLOWABLE CATCH (TAC) FOR WHICH CLOSURES ARE INVOKED FOR SPECIFIC MIGRATORY GROUPS OR ALLOCATION ZONES OR GEAR TYPES <sup>1</sup>

Migratory group(s)	Fishing year	Gear	Allocation zone	Initial year quota/TAC (million pounds)	Prohibition on sale and/or catch invoked when—
King mackerel:					
Atlantic	1 Apr.-31 Mar.	All types	Entire range <sup>2</sup>	4,382	Sales from migratory group are projected to reach quota
Gulf	1 July-30 June	All types	Entire range <sup>2</sup>	4,552	Sales from migratory group are projected to reach quota
Gulf	1 July-30 June	All types	Western zone <sup>3</sup>	1,328	Sales from allocation zone are projected to reach quota.
Gulf	1 July-30 June	All types	Eastern zone <sup>3</sup>	2,940	Sales from allocation zone are projected to reach quota.
Gulf	1 July-30 June	P.S. <sup>4</sup>	Entire range <sup>2</sup>	0,284	Landings from migratory group are projected to reach quota.
G.A. <sup>5</sup>	1 July-30 June	P.S. <sup>4</sup>	Atlantic Ocean <sup>6</sup>	0,400	Landings from migratory group are projected to reach quota.
Spanish mackerel	1 Jan.-31 Dec.	All types	G.A. <sup>6</sup>	27,000	When landings are projected to reach TAC.
	1 Jan.-31 Dec.	P.S. <sup>4</sup>	Atlantic Ocean	0,300	When landings are projected to reach quota
	1 Jan.-31 Dec.	P.S. <sup>4</sup>	Gulf of Mexico	0,300	When landings are projected to reach quota

<sup>1</sup> See Figure 2 for delineation of migratory group ranges and allocation zones.

<sup>2</sup> The range of migratory groups varies by season (§ 642.29)—See Figure 2.

<sup>3</sup> See Figure 2 and § 642.21(e).

<sup>4</sup> See § 642.21(e).

<sup>5</sup> Purse Seines.

<sup>6</sup> Gulf and Atlantic.

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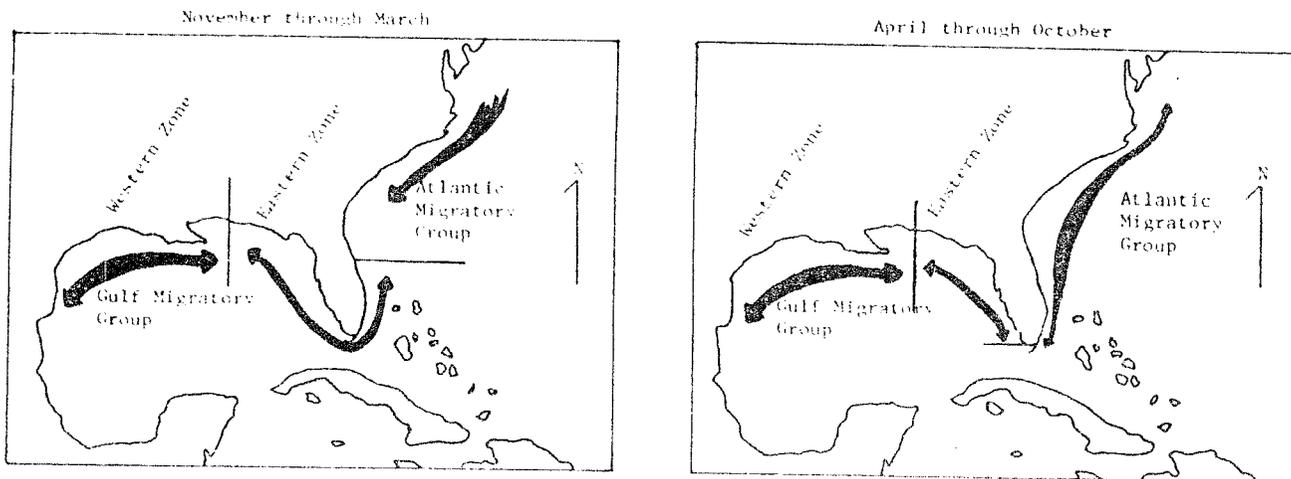
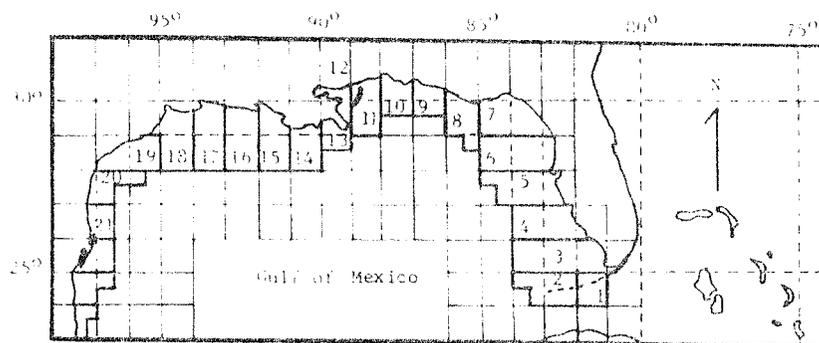
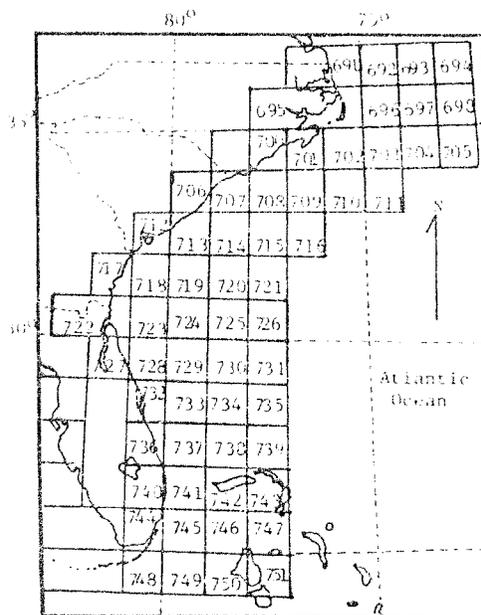


Figure 2. Range of Gulf and Atlantic migratory groups of king mackerel during winter and summer periods and commercial allocation zones for Gulf group king mackerel.



Statistical Grids in the Gulf of Mexico



Statistical Grids in the South Atlantic

Figure 3. Statistical Grids for Reporting the Harvest of Coastal Migratory Pelagic Fish.

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric  
Administration**

**50 CFR Part 642**

[Document No. 50587-5087]

**Coastal Migratory Pelagic Resources  
of the Gulf of Mexico and the South  
Atlantic**

*Correction*

In the document beginning on page 24242 in the issue of Monday, June 10, 1985, make the following correction:

On page 24250, the file line was omitted and should have appeared at the bottom of the page as follows:

[FR Doc. 85-13959 Filed 6-6-85; 10:21 am]

BILLING CODE 1505-01-M

effects that are not significantly greater than those caused by steel shot. Mortality among the three types of shot will be analyzed with appropriate chi-square procedures. Certain levels of mortality resulting from dosing of the candidate material will be acceptable using this procedure; however, the Director reserves the right to reject any candidate material that causes mortality equal to 20 percent or more of the mortality caused by comparable doses of lead shot. Physiological data and tissue residues will be analyzed by analysis of variance or other appropriate statistical procedures to include the factors of shot type, dose, and sex. Comparisons between sacrificed birds and birds dying before sacrifice will be made whenever sample sizes are adequate for a meaningful comparison. The applicant will insure that copies of all the raw data and statistical analysis accompany the report of this test when it is sent to the Director.

**TEST NUMBER 2** Chronic, 14-week toxicity test in cold weather using a nutritionally-deficient diet.

**Material:**

56 male and 56 female hand-reared mallards less than 8 months old.

112 elevated outdoor 1-meter square pens of vinyl-coated wire equipped with food containers and waterers.

Laboratory equipped to perform fluoroscopy, and required blood and tissue assays, tissue metal analysis, and necropsies.

Whole kernel corn.

Lead, steel, and candidate shot.

**Procedures:** Mallards will be individually assigned to outdoor 1-meter square pens of vinyl-coated-wire during the first week of December and acclimated to an *ad libitum* diet of whole kernel corn for 2 weeks. Birds will be randomly assigned to seven groups (8 males and 8 females/group) and sham-dosed (control) or dosed with one or four #4 pellets of lead, steel, or the candidate shot.

Birds will be weighed and fluoroscoped weekly. All recovered shot will be weighed to measure erosion. Blood parameters determined in Test Number 1 will be measured in blood samples drawn at the initiation of dosage, 24 hours after dosage, and at the end of weeks 1, 2, 4, 8 and 14. At the end of 84 days, all survivors will be sacrificed. The liver and other appropriate organs will be removed from the sacrificed birds and birds dying prior to sacrifice on day 84. The organs will be analyzed for lead and other metals contained in the steel and

candidate shot. All birds dying prior to sacrifice will be necropsied to determine pathological conditions associated with death.

**Analysis:** The candidate shot must cause significantly less sublethal effects than lead shot and must cause sublethal effects that are not significantly greater than those caused by steel shot. Mortality among the three types of shot will be analyzed with appropriate chi-square procedures. Certain levels of mortality resulting from dosing of the candidate material will be acceptable using this procedure; however, the Director reserves the right to reject any candidate material that causes mortality equal to 20 percent or more of the mortality caused by comparable doses of lead shot. Physiological data and tissue residues will be analyzed by analysis of variance or appropriate statistical procedures to include the factors of shot type, dose, and sex. Comparisons between sacrificed birds and birds dying before sacrifice will be made whenever sample sizes are adequate for a meaningful comparison. The applicant will insure that copies of all the raw data and statistical analyses accompany the report of this test when it is sent to the Director.

**TEST NUMBER 3** Chronic dosage study which includes reproductive assessment on a nutritionally-complete diet.

**Material:**

200 male and 200 female hand-reared mallard ducks who have not been through a reproductive season.

Pens capable of holding 5-10 ducks each. 200 elevated outdoor pens at least 1-meter square, covered with vinyl-coated wire, and equipped with feeders, waterers and nest boxes.

Laboratory equipped to perform fluoroscopy and required blood assays.

Commercial developer pellets, breeder pellets, and starter mash for ducks.

Lead, steel and candidate shot.

**Procedures:** Mallards will be randomly assigned to 10 groups (20 males and 20 females/group) in January and held in same-sex groups of 5-10 individuals until mid-February. The mallards will then be randomly paired and moved to outdoor pens (one pair per pen). Ducks will be provided with an *ad libitum* diet of commercial developer pellets until initiation of laying, when the pairs will be switched to breeder pellets. Ducks will be sham-dosed (controls) or dosed with three #4 pellets of lead, steel or candidate shot. Dosing will occur according to three schedules; (1) once in January, 2 weeks after initiation of the study, (2) once at the initiation of laying, and (3) at both times designated in (1) and (2).

Birds will be fluoroscoped 1 week after dosage to check shot retention, and weighed every 2 weeks. Blood parameters determined

in Test Numbers 1 and 2 will be measured in blood samples drawn at initiation of the study, at time of dosing, at initiation of incubation, and at sacrifice. All birds will be sacrificed when ducklings reach 7 days of age.

Clutches will be candled to determine fertility of the eggs. Nests will be checked daily to determine the fate of eggs and ducklings. Ducklings will be provided with starter mash after hatching.

**Analysis:** The candidate shot must cause significantly less mortality, sublethal effects than lead shot, reproductive inhibition not significantly greater than lead shot and must cause mortality, sublethal effects, and reproductive inhibition that are not significantly greater than those caused by steel shot. Physiological and reproductive data will be analyzed by analysis of variance or other appropriate statistical procedures. The applicant will insure that copies of all raw data and statistical analysis accompany the report of this test when it is sent to the Director.

Dated: July 2, 1985.

Susan Rocca,

Acting, Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-17329 Filed 7-19-85; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

[Document No. 50587-5087]

### Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic

#### Correction

In the document beginning on page 24242 in the issue of Monday, June 10, 1985 make the following correction:

1. On page 24250, the file line was omitted and should have appeared as follows:

[FR Doc. 85-13959 Filed 6-6-85; 10:21 am]

2. On page 24248, third column, Table 1 in § 642.29, under the heading "Ends", "Mar. 30" and "Dec. 30" should have read "Mar. 31" and "Dec. 31" respectively.

BILLING CODE 1505-01-M

**SUPPLEMENTARY INFORMATION:** By letter filed December 17, 1984, the Interstate Carriers Conference (Conference), which filed the petition requesting institution of this rulemaking proceeding, has requested that the time for filing comments in this proceeding be extended until March 4, 1985. The Conference states that the regulations proposed by the Commission in the notice of proposed rulemaking differs substantially from those it proposed and, accordingly, its members need to discuss and consider them. The Conference also states that the holiday season, which falls during the comment period, makes consultation among members and preparation of comments difficult. It requests that we extend the comment period until after the next regularly scheduled meeting of its Executive Committee in mid-February, 1985. On December 24, 1984, the American Trucking Associations, Inc., filed a letter in support of the Conference's request for an extension.

The requested extension of time is warranted. An extension until March 4, 1985, will not unduly delay the resolution of issues in this proceeding, and will afford the Conference sufficient time to analyze and comment on the proposed regulations.

is ordered:

The date for filing comments is extended to March 4, 1985.

Decided: December 29, 1984.

By the Commission, Reese H. Taylor, Jr.  
Chairman.

James H. Bayne,  
Secretary

[FR Doc. 85-204 Filed 1-3-85; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 21

#### Review of Regulations Implementing the Endangered Species Act Exemption for Certain Raptors; Raptor Propagation Permits; Federal Falconry Standards

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Intent and Request for Comments.

**SUMMARY:** By regulation published July 8, 1983 (48 FR 31600) effective August 8, 1983, the Fish and Wildlife Service amended regulations concerning falconry permits (50 CFR 21.28), Federal falconry standards (50 CFR 21.29), a special purpose raptor propagation permit (50 CFR 21.27), and creating a new raptor propagation permit (50 CFR 21.30). Pursuant to these amended regulations raptor propagators and most falconers could purchase, sell, or barter captive-bred raptors, including raptors otherwise "exempt" from such activities by virtue of protections under the Endangered Species Act of 1973 and the Migratory Bird Treaty Act. During the comment period, the Fish and Wildlife Service received numerous comments concerning effects of implementation of the proposed rule.

In accordance with its responsibilities to protect wildlife, including raptor species, the Fish and Wildlife Service will review the regulations governing the possession, sale, purchase, barter, and use of raptors. In particular the Fish and Wildlife Service solicits public comment concerning its review of regulations published in 50 CFR Part 21.

**DATE:** Public comments on this notice must be received in writing by February 4, 1985.

**ADDRESSES:** Comments may be mailed to Director (LE), Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, or delivered weekdays to the Division of Law Enforcement, Fish and Wildlife Service, 3rd Floor, 1375 K Street, NW, Washington, D.C., between 8:00 a.m. and 4:00 p.m. Comments should bear the identifying notation REG 21-02-13.

#### FOR FURTHER INFORMATION

**CONTACT:** Kathleen King, Division of Law Enforcement, Fish and Wildlife Service, P.O. Box 28006, Washington, D.C. 20005, telephone: (202) 343-9242.

#### List of Subjects in 50 CFR Part 21

Birds, special purpose permits, falconry permits, Federal falconry standards, raptor propagation permits.

Dated: December 21, 1984.

J. Craig Potter,

Acting Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-211 Filed 1-3-85; 8:45 am]

BILLING CODE 4310-55-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Gulf of Mexico and South Atlantic Fishery Management Councils will hold public hearings in conjunction with their Council meetings to comment on proposed changes to the draft amendment to the fishery management plan for coastal migratory pelagics (mackerels).

**DATES:** The hearings on January 9 and 30, 1985, will be convened at 1:30 p.m., adjourning at approximately 2:30 p.m. The hearing on January 16, 1985, will be convened at 7:30 p.m., adjourning at approximately 10:00 p.m.

**ADDRESSES:** The hearings will take place at the following locations:

January 9, 1985—Sheraton Plaza Royale, 3777 North Expressway, Brownsville, Texas.

January 16, 1985—Westshore Inn, 5303 West Kennedy Boulevard, Tampa, Florida.

January 30, 1985—Southpark Building, Suite 305, 1 Southpark Circle, Charleston, South Carolina.

#### FOR FURTHER INFORMATION CONTACT:

Wayne Swingle, Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609, phone 813-228-2615.

Dated: December 31, 1984.

Roland Finch,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 85-248 Filed 1-3-85; 8:45 am]

BILLING CODE 3510-22-M

Commission's general policy to refrain from making a new assignment to a community. See, e.g., *Williams, Arizona*, 47 FR 20827, published May 14, 1982, and paragraph 2 of the Appendix to the *Notice*. Therefore, since there has been no such interests here, we will dismiss both proposals.

3. In view of the foregoing, it is ordered, that the petition of Franklin Broadcasting Company of Mississippi, proposing the assignment of Channel 257A to Meadville, Mississippi (RM-4337) and the counterproposal of Fredericka Cain Todd to assign Channel 275A to Roxie, Mississippi (RM-4446) are hereby dismissed.

4. It is further ordered, that this proceeding is terminated.

5. For further information concerning the above, contact Nancy V. Joyner or Jeffrey D. Sutherland, Mass Media Bureau. (202) 634-6530.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communication Commission.

**Charles Schott,**

*Chief, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 85-2388 Filed 1-30-85; 8:45 am]

BILLING CODE 8712-01-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 642

#### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings.

**SUMMARY:** The South Atlantic Fishery Management Council will hold public hearings to allow for input on proposed changes to the fishery management plan for coastal migratory pelagics (mackerels).

**DATES:** The hearings will be held on February 11 and 12, 1985, and are scheduled to convene at 7:00 p.m., and adjourn at 10:00 p.m. Written comments will be accepted until February 15, 1985.

**ADDRESSES:** Send comments to: David H.G. Gould, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, South Carolina 29407; or Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

The hearings will take place at the following locations:

*February 11, 1985*—County Civic Center, 25th and Virginia Avenue, Ft. Pierce, Florida.

*February 12, 1985*—Key West High School, 2100 Flagler Avenue, Key West, Florida.

**FOR FURTHER INFORMATION CONTACT:**

David H. G. Gould, Executive Director, South Atlantic Fishery Management Council, phone 803-571-4366; or Jack T. Brawner, Regional Director, Southeast Region, phone 813-893-3141.

Dated: January 25, 1985.

**Roland Finch,**

*Director, Office of Fisheries Management, National Marine Fisheries Service.*

[FR Doc. 85-2422 Filed 1-28-85; 9:22 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 652

#### Mid-Atlantic Fishery Management Council; Public Hearings

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of public hearings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council will hold public hearings to allow for input on Amendment 6 to the Fishery Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

**DATES:** Written comments will be accepted until March 1, 1985. The hearings will be held February 18 and 19, 1985, and are scheduled to begin at 7:00 p.m. All hearings will be tape recorded with the tapes filed as the official transcript of the hearing.

**ADDRESSES:** Send comments to John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901.

The hearings will be held at the following locations:

*February 18, 1985*—Sheraton Salisbury Inn, 300 S. Salisbury Boulevard, Salisbury, Maryland.

*February 19, 1985*—Dutch Inn, Great Island Road, Galilee, Rhode Island, and Cape May County Extension Office, Dennisville Road, Cape May Court House, New Jersey.

**FOR FURTHER INFORMATION CONTACT:**

John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, Delaware 19901, phone 302-674-2331.

**SUPPLEMENTARY INFORMATION:** The amendment will (1) divide the New England Area into the Nantucket Area

(west of 69 degrees longitude) and the Georges Bank Area (east of 69 degrees longitude) and establish a management regime for the Georges Bank Area; (2) revise the surf clam effort limitations in the Mid-Atlantic Area by adding provisions that vessels may land surf clams only one time during an authorized fishing period and that the Regional Director may not authorize fishing periods less than the allowed hours when the allowed hours are set at twelve hours or less; and (3) establish procedures whereby vessel owners or operators must notify NMFS in advance of the area in which they intend to fish for surf clams.

Dated: January 25, 1985.

**Roland Finch,**

*Director, Office of Fisheries Management, National Marine Fisheries Service.*

[FR Doc. 85-2419 Filed 1-30-85; 8:45 am]

BILLING CODE 3510-22-M

#### 50 CFR Part 663

#### Pacific Coast Groundfish Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of receipt of an application for an experimental fishing permit and request for comments.

**SUMMARY:** This notice acknowledges receipt of an experimental fishing permit application and announces a public comment period. The applicant proposes to harvest groundfish with set nets in the Pacific Ocean north of 38° N. latitude during 1985. If granted, the permit would allow fishing which otherwise would be prohibited by Federal regulations. Additional applications for similar permits will be accepted.

**DATE:** Applications for 1985 must be received not later than February 15, 1985. Comments on the application already received will be accepted until February 15, 1985. Comments on all applications must be received by March 15, 1985.

**ADDRESS:** Send comments and applications to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115.

**FOR FURTHER INFORMATION CONTACT:** Rolland A. Schmitten, 206-526-6150.

**SUPPLEMENTARY INFORMATION:** The Pacific Coast Groundfish Fishery Management Plan (FMP), approved in 1982, and its implementing Federal regulations (50 CFR Part 663) prohibit the use of set nets for taking groundfish

11. Section 74.832 would be amended by adding a new paragraph (j) to read as follows:

**§ 74.832 Licensing requirements and procedures**

(j) The license shall be retained in the licensee's files at the address shown on the authorization.

**§ 74.867 [Removed]**

12. Section 74.867 *Posting of licenses* would be removed in its entirety.

[FR Doc. 85-11101 Filed 5-8-85; 8:45 am]

BILLING CODE 6712-01-M

**INTERSTATE COMMERCE COMMISSION**

**49 CFR Part 1039**

[Ex Parte No. 387 (Sub-958)]

**Exemption From Regulation; Shipments Subsequently Made Subject to a Contract Rate**

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Proposed rule correction.

**SUMMARY:** In the prior notice proposing to grant an exemption from the statutory provisions requiring railroads to charge only their published tariff rates, (50 FR 14122, April 10, 1985), 49 CFR 1039.19 inadvertently contained under paragraphs (c) (1)-(4). These paragraphs are deleted from the proposed rule.

**ADDRESSES:** An original and 15 copies of any comments, referring to Ex Parte No. 387 (Sub-No. 958), should be sent to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20123.

**FOR FURTHER INFORMATION CONTACT:** Louis E. Gitomer, (202) 275-7245.

**SUPPLEMENTARY INFORMATION:** The text of the proposed revised rule follows as an appendix to this notice.

Additional information is contained in the Commission's full decision, served April 9, 1985. To purchase a copy of the full decision, write to T.S. InfoSystems, Inc., Room 2227, Interstate Commerce Commission, Washington, DC 20423, or call 239-4357 (DC Metropolitan area) or toll free (800) 424-5403.

This action will not significantly affect the quality of the human environment, energy conservation, or a substantial number of small entities.

Decided: May 1, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley, and Strenio.

James H. Bayne,  
Secretary.

**Appendix**

**PART 1039—[AMENDED]**

1. The authority citation for 49 CFR Part 1039 would be revised to read as follows:

**Authority:** 5 U.S.C. 553, 49 U.S.C. 10321 and 10503.

2. The proposed § 1039.19 appearing at 49 FR 14123 is corrected to read as follows:

**§ 1039.19 Transportation of shipments subsequently made subject to a contract rate**

Railroad transportation is exempt from the provision of 49 U.S.C. 10761, 11902, 11903, and 11904 to the extent a railroad may apply a contract rate rather than an otherwise applicable tariff rate, and accordingly, pay reparations or waive undercharges, under the following conditions:

(a) A transportation contract under 49 U.S.C. 10713 has been filed with the Commission and has become effective;

(b) The shipment at issue falls within the terms of contract; and

(c) The shipment was transported before the contract could be implemented at the Commission, but after the parties agreed upon the rate to be charged, and they either (1) agreed to be bound by the contract or intended the movement(s) to be covered by it, or (2) signed the contract.

[FR Doc. 85-11315 Filed 5-8-85; 8:45 am]

BILLING CODE 7035-01-M

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 642**

**Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic**

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of availability of a fishery management plan and request for comments.

**SUMMARY:** NOAA issues this notice that the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) have submitted Amendment 1 to the Fishery Management Plan for the Coastal Migratory Pelagic Resources of

the Gulf of Mexico and South Atlantic for Secretarial review and are requesting comments from the public. Copies of the plan may be obtained from the addresses below.

**DATE:** Comments on the plan should be submitted on or before July 19, 1985.

**ADDRESSES:** Comments on the plan should be sent to Jack T. Brawner, Regional Director, National Marine Fisheries Service, Southeast Region, 9450 Koger Boulevard, St. Petersburg, Florida 33702.

Copies of the plan are available upon request from the: South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, South Carolina 29407-4699; and Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 W. Kennedy Boulevard, Tampa, Florida 33609.

**FOR FURTHER INFORMATION CONTACT:** William N. Lindall, Regional Plan Coordinator, 813-893-3722.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), requires that each regional fishery management council submit any fishery management plan it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. This act also requires that the Secretary, upon receiving the plan, must immediately publish a notice that the plan is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan.

This plan proposes measures to stop overfishing of the Gulf migratory group of king mackerel stock and to rebuild and maintain all stocks at a maximum sustainable yield level through flexible management procedures. On June 29, 1984, the Environmental Protection Agency published a notice of availability of a draft environmental impact statement for this plan (49 FR 26809).

Regulations proposed by the Council and based on this plan are scheduled to be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Dated: May 8, 1985.

Richard B. Roe,

Director, Office of Protected Species and Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 85-11304 Filed 5-6-85; 4:55 pm]

BILLING CODE 3510-22-M